

# KIRKPATRICK & LOCKHART

1500 OLIVER BUILDING  
PITTSBURGH, PENNSYLVANIA 15222-5379

TELEPHONE (412) 355-6500

RCA TELEX 244859

FACSIMILE (412) 355-6501

FACSIMILE (412) 355-6461

BOSTON, MA  
HARRISBURG, PA  
MIAMI, FL  
WASHINGTON, D.C.

WRITER'S DIRECT DIAL NUMBER

(412) 355-6562

September 7, 1989

## VIA FEDERAL EXPRESS

Mr. David Dodgen  
6E-ES  
U.S. Environmental Protection Agency  
Allied Bank Tower at Fountain Place  
16th Floor  
1445 Ross Avenue  
Dallas, Texas 75202

Re: Fansteel Metals, Inc. - Muskogee, Oklahoma

Dear Mr. Dodgen:

In accordance with our telephone conversation and in preparation for our meeting on September 11, 1989, we have enclosed for your information copies of correspondence from Fansteel to the United States Environmental Protection Agency, the Nuclear Regulatory Commission and Oklahoma authorities regarding the spill incident which occurred on June 18, 1989. Also enclosed is a proposed process flow diagram of a wastewater treatment system that will eliminate major earthen structures presently employed as integral elements of the existing treatment system.

In addition, we have enclosed a summary report on geophysical surveys of the Impoundment No. 3 area. This report is a preliminary survey to determine the extent of surficial contamination in the Impoundment No. 3 area.

Please be advised also that the materials previously sent to Impoundment No. 3 and downstream treatment units were derived from the processing of columbium and tantalum bearing ores. Consequently, these solid waste management units are exempt from regulation under RCRA pursuant to 40 C.F.R. § 261(b)(7). See attached EPA memorandum dated August 10, 1987.

As discussed by telephone, we wish to discuss the remedial investigation that Fansteel wishes to undertake in describing the present extent of contamination from this spill incident. This discussion will aid in the preparation of a remedial investigation/feasibility study work plan to be submitted to your office for review and approval as soon as possible.



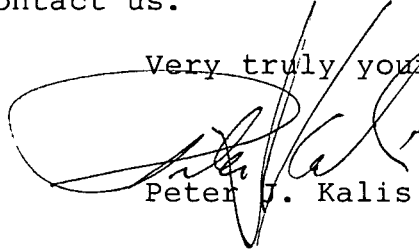
195725

KIRKPATRICK & LOCKHART

Mr. David Dodgen  
Page 2  
September 7, 1989

We trust these materials will aid in discussions of the proposed work plan elements and should you have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'Peter J. Kalis', written over the typed name.

Peter J. Kalis

PJK:jem

Enclosures